

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JAMES PIERCE JR., *ET AL.*

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:01cv569WJG

GAF CORPORATION, *ET AL.*

DEFENDANTS

ORDER

THIS CAUSE comes before the Court, *sua sponte*, for the correction of the Court's Minute Entry Order entered July 8, 2004. (Ct. R., Doc. 47.) The Minute Entry Order erroneously stated that Defendant Aqua-Chem, Inc.'s motion to stay, (Ct. R., Doc. 46), was denied for the Court's lack of jurisdiction based on the transfer of the case to the Multi-District Litigation Panel [MDL], rather than correctly stating that the Court lacked jurisdiction based upon the remand of this matter to the Circuit Court for Jefferson County, Mississippi.

On January 28, 2003, the Court entered its Order severing Defendants Harbison Walker International Refractories [Harbison] and A.P. Green Industries [Green] because of their respective pending bankruptcies. (Ct. R., Docs. 33, 34, 45.) The Court retained jurisdiction and stayed this cause regarding only the two severed bankrupt Defendants. The Clerk was directed to remand the remainder of the case to state court, and to return the case regarding the two remaining bankrupt defendants to the inactive docket where the case was to remain closed administratively until the resolution of the bankruptcies. The Order further directed that the

severed defendants file a status report on the bankruptcy proceedings within one year from the entry of the Order, or by no later than January 27, 2004.

Defendants Harbison and Green have never filed the status report as ordered, nor have they filed any report with this Court in this cause since 2003. It is therefore,

ORDERED that the Minute Entry Order [47] be, and is hereby, amended to delete any reference to the Court's lack of jurisdiction because of the transfer of this case to the MDL, replacing those references with the Court's lack of jurisdiction based on the remand to state court. It is further,

ORDERED that Defendants Harbison and Green file a report on the status of their respective bankruptcy proceedings within 15 days from the date of entry of this Order.

SO ORDERED, this the 3rd day of June, 2010.

Walter J. Fox III

UNITED STATES SENIOR DISTRICT JUDGE